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WYETH

**PATENT**

**Customer No. 22,852**

Attorney Docket No. 08702.0048-03000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

WOZNEY ET AL.

Application No.: 10/600,645

Filed: June 23, 2003

## For: BMP RECEPTOR PROTEINS

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## Group Art Unit: 1646

Examiner: J. L. Andres

Confirmation No.: 8135

**Commissioner for Patents  
Washington, DC 20231**

Sir.

**MICROORGANISM DEPOSIT DECLARATION UNDER 37 C.F.R. § 1.808(a)**

I do hereby declare and say that:

1. Genetics Institute, LLC. Is the assignee of the above-identified patent application?

2. On Information and belief, plasmid CFK1-23a containing DNA encoding the BMP receptor CFK1-23a isolated from the rat cell line CFK1 was deposited on August 6, 1993 under Accession Number 69378 to assure availability of the plasmid to the public.

3. On information and belief, the A.T.C.C. has acquired the status of International Depository Authority within the meaning of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

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WYETH

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**PATENT**  
 Customer No. 22,852  
 Attorney Docket No. 08702.0048-03000

4. Said plasmid has been deposited under conditions which ensure that access to the culture will be available during the pendency of this patent application to one detailed by the Commissioner of Patents and Trademarks to be entitled thereto under 37 C.F.R. Section 1.14 and 35 U.S.C. Section 1.22.

5. No later than issuance of a patent on this application, Genetics Institute, LLC will irrevocably remove any restrictions as to public availability of this culture deposit except as permitted by 37 C.F.R. Section 1.808(b), and will replace the culture deposit should it become nonviable, during the period that extends thirty years from the date of the deposit, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposit, whichever period is longest.

6. I further declare that all statements made herein of my own knowledge are true; that all statements made on information and belief are believed to be true; that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

7. The undersigned is authorized to sign on behalf of assignee, Genetics Institute, LLC.

Date:

May 11, 2005Name Zeal J.Title Assistant Secretary



# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 898-055 ATCCNORTH • FAX: 301-770-2587

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Genetics Institute, Inc.  
Attention: Anthony J. Celeste  
87 Cambridge Park Drive  
Cambridge, MA 02140

Deposited on Behalf of: Genetics Institute, Inc.

Identification Reference by Depositor:

ATCC Designation

<u>Escherichia coli</u> , W120 (pMT120E)	69377
<u>Escherichia coli</u> , CFK-1-23a	69378
<u>Escherichia coli</u> , W101 (pMT101)	69379
<u>Escherichia coli</u> , CFK-1-10a	69380
<u>Escherichia coli</u> , CFK-1-43a	69381

The deposits were accompanied by:  a scientific description  a proposed taxonomic description indicated above.

The deposits were received August 5, 1993 by this International Depository Authority and have been accepted.

### AT YOUR REQUEST:

We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested August 9, 1993. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Bobbie A. Brandon

Date: August 10, 1993

Bobbie A. Brandon, Head, ATCC Patent Depository

cc: Steven R. Lazar

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FILE?  
Your  
Office?

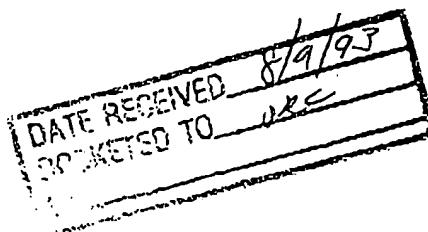
AMERICAN TYPE CULTURE COLLECTION  
12801 Parklawn Drive  
Rockville, MD 20852 USA

Telephone: 301-881-2600

FACSIMILE

Date: August 9, 1993

To: Steven R. Lazar, Legal Affairs  
Genetics Institute, Inc.



City & Country: Cambridge, MA

Fax Number: 1-617-876-6851

Total number of pages including this page: One (1)

From: Barbie A. Brandon's Office - Direct Phone Number 301-231-5520

ATCC Brandon Fax Number: 301-770-2587

Reference: Patent deposits, E. coli W120 (pMT120E) assigned ATCC 69377; E. coli CFK-1-23a assigned ATCC 69378; E. coli W101 (pMT101) assigned ATCC 69379; E. coli CFK-1-10a assigned ATCC 69380; E. coli CFK-1-43a assigned ATCC 69381. Date of deposit 8-05-93, Paperwork will be forwarded to you in a few days.

An invoice will be sent under separate cover as follows:

<u>One time fee - 30 years - \$600 x 5 =</u>	<u>\$3,000.00</u>
<u>Informing of Requesters - \$330 x 6 =</u>	<u>1,650.00</u>
<u>Viability tests - \$100 x 6 =</u>	<u>600.00</u>
<u>Phone/FAX charge =</u>	<u>+ 10.00</u>
<u>Total due ATCC 69377-69381</u>	<u>\$5,160.00</u>

Barbara Halley  
Barbara Halley - Tel. (301)231-5518

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